

Remarks/Arguments:

This paper is submitted in response to a Notice of Non-Compliant Amendment mailed by the Office on March 7, 2006.)

Claims 114-140 were rejected under 35 U. S. C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner contended that the specification fails to teach mineral acid at a concentration sufficient to reduce the pH of the viscoelastic fluid to about 3 or lower. Claims 114 and 134 have been amended to delete the reference to mineral acid and to show that the fluid is strongly acidic. Applicants point out the text on page 14, lines 13-17, reading "The pH of the fluid will typically range from strongly acidic (e.g. less than a pH of about 3) to slightly alkaline (e.g. from a pH just greater than 7.0 to about 8.5, more typically to about 8.0) or moderately alkaline (e.g. a pH of about 8.5 to about 9.5). Strongly alkaline pHs (e.g. above a pH of about 10) should be avoided." Thus the specification teaches that the pH may be "strongly acidic," defined as having a pH less than about 3; the only pH taught to be avoided is above about 10. Furthermore, the specification states on page 20, lines 9-10, that the viscoelastic fluids are useful in making "...foam fluids such as those disclosed in U.S. patent No. 5,258,137 (Bonekamp et al.), the disclosures of which are incorporated by reference." 5,258,137, col. 2, lines 36-39, states that "For some applications it is desirable to employ a concentrated acid solution such as a hydrochloric acid solution."

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Claims 142-145 were objected to as being of improper antecedent form; the claims have been amended to show the proper antecedent claims.

Claims 114-118, 120, 122-126, 129, 132, and 139 were rejected under 35 U. S. C. 102(b) as being anticipated by Allan et al., (US 2002/0039972). The present specification is the same as that of all of the non-provisional applications in the history of the present application (as listed in the Preliminary Amendment to the specification filed with this application); Applicants do not have copies of the Provisional applications; the first non-provisional application was filed on June 8, 1998; Allan claims priority to a Canadian patent application filed Aug. 8, 2000. Allan is therefore not prior art against the present application.

Claims 114-117, 121-131, and 138-139 were rejected under 35 U. S. C 102(e) as being anticipated by Francini (US 2005/0020454). Francini claims priority to U.S. Provisional Patent Application No. 60/489,079 filed on July 22, 2003. As explained above, the priority date of the present application is at least as early as June 8, 1998; Francini is therefore not prior art against the present application.

Claims 134-137, and 140 were rejected under 35 U. S. C 103(a) as being unpatentable over Dobson et al. (US 2002/0147114). Dobson claims priority to U.S. Provisional Patent Application No. 60/376,295, filed on April 29, 2002. As explained above, the priory date of the present application is at least as early as June 8, 1998; Dobson is therefore not prior art against the present application. Dobson is also a Continuation-in-part application of US patent 6,239,183 filed Dec. 19, 1997, and of US patent


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6,506,710, filed April 20, 2000, but US patents 6,239,183 and 6,506,710 do not teach hydrochloric acid or strongly acidic fluids.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should any additional fees be due, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 04-1579 (56.0555CN2).

Respectfully submitted,


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